

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1265 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JIVABHAI R BHETARIA

Versus

G S R T C

Appearance:

MR HK RATHOD for Petitioner
MR YS LAKHANI for Respondent No. 1
SERVED for Respondent No. 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 03/03/97

ORAL JUDGEMENT

Leave to add impugned order of transfer. Rule returnable today. Mr. YS Lakhani, learned advocate waives service of rule on behalf of the respondents. Petitioner herein is a conductor serving under the respondents herein. Under order dated 1st February, 1997, petitioner has been transferred from Upleta Depot, Junagadh Division to Godhra Division. Learned advocate

Mr. Rathod states that in any event, if the transfer of the petitioner is called for, the petitioner ought to have been transferred to any other depot in the same division or to any other division nearer to Junagadh Division. Learned advocate Mr. Lakhani appearing for the corporation states that if the petitioner makes a representation to accommodate him to a nearer place, same shall be considered by the Corporation . In the circumstances, it is directed that the petitioner may make a representation in the subject matter of this petition to respondent No.1 within a period of ten days from today. If such a representation is made, same shall be considered and decided by the respondents within a period of three weeks from the date of receipt of such representation. The order shall be communicated to the petitioner as soon as possible. Pending consideration of the representation, the petitioner may apply for leave. The respondents shall consider application for leave in accordance with law. Decision of the Corporation that maybe taken on such representation shall be final and binding to the petitioner. Petition is disposed of in the aforesaid terms. Rule is discharged. Parties shall bear their own costs. Liberty is reserved to the petitioner to revive the petition in the event the Corporation fails to consider and decide the representation made by the petitioner.

Vyas